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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,215	08/22/2006	Philippe Dumoux	DUMOUX 5	6029
1444 7590 10/01/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER PELHAM, JOSEPH MOORE	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 10/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,215

Applicant(s)

DUMOUX, PHILIPPE

Examiner

Joseph M. Pelham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 and 15-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 15-17, 19 and 21-27 is/are rejected.
- 7) ☒ Claim(s) 18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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The examiner acknowledges the amendment filed 8/25/08. Claims 1-5, 7-12, and 15-27 are now pending.

Claim Rejections - 35 USC § 103

Claims 1, 7-10, 15-17, 19, and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. 6443053 in view of US Pat. 5584235.

Referring to Figs. 1-6 and col. 5, lines 25-63 at least, US'053 discloses a tubular side wall 1 and perforated openwork, stainless steel (col. 5, lines 39-43) plate 2 with "parts presenting a retaining strip" 22 cooperate with a "lower abutment of the... side wall," are "installed in a peripheral depression of the... plate," and the plate having "an elliptical geometry." Metal plate 2 has "depressions" 21 each with a "perforation" and although such is conventionally made by "deformation," as recited in claim 1, the process by which the product – the "plate" – is made is not germane to patentability unless it results in a structural difference, which is not the presently the case.

The claims differ from US'053 only in calling for elongate depressions in a circumferential direction, with perforations in the depressions, such that every radial section intersects at least one such depression, and a "peripheral deformation extending between the... two parts."

Referring to Fig. 1 and col. 2, lines 38-53, US'235 discloses a bottom portion of a steamer with elongate depressions 40 in a circumferential direction (since Fig. 1 is in cross-section), with perforations 44 in the depressions, such that every radial section intersects at least one such depression. It would have been obvious to adapt the depressions of US'235 to the plate of US'053, since US'235 teaches such to enhance drainage of condensate from the steaming chamber (col. 3, lines 10-17). The outermost depression of US'235 is a "peripheral deformation extending between the... two parts."

Claims 2-5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'053 in view of US'235, as applied to claims 1, 7-10, 17, 19, 22, and 24-27 above, and further in view of US Pat. 5974953.

The claims differ from US'053 in view of US'235 only in calling for a side wall of plastic or glass. The Examiner notes, however, that US'053 does disclose the use of polycarbonate for the side wall portion, but not explicitly in combination with a metal plate. However, US'953 discloses, at col. 2, lines 30-32 & 48-50, an analogous steamer with a plastic side wall 1 and metal plate 2. It would have been obvious to use the metal plate as suggested by US'953 since it is both durable and easily cleaned, and the plastic side wall allows convenient monitoring of the cooking process.

Claims 11, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'053 in view of US'235, as applied to claims 1, 7-10, 17, 19, 22, and 24-27 above, and further in view of US Pat. 5069198.

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The claims differ substantively from US'053 only in calling for up to three alternating circumferential arrays of elongate "depressions," such that all lines passing through the plate middle pass through a "depression," and an elongate perforation in the bottom of each depression. However, referring to Figs. 1-4c and col. 3, lines 29-49, at least, US'198 discloses alternating circumferential arrays of elongate "depressions" (15 or 22), such that all lines passing through the plate middle pass through a "depression," and an elongate perforation 18 (slot) in the bottom of each depression. It would have been obvious to form the depressions and perforations after the manner of US'198, since US'198 teaches such to enhance the flow of steam in the cooking chamber.

Allowable Subject Matter

Claims 18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph M Pelham/
Primary Examiner, Art Unit 3742
9/22/08